

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1559

By: Pittman

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5  
6 AS INTRODUCED

7 An Act relating to executions; amending 22 O.S. 2011,  
8 Section 1015, which relates to the place of execution  
9 of judgment; modifying secrecy of certain suppliers;  
10 removing certain exemptions; allowing additional  
11 witnesses; providing certain access; and providing an  
12 effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 22 O.S. 2011, Section 1015, is  
15 amended to read as follows:

16 Section 1015. A. A judgment of death must be executed at the  
17 Oklahoma State Penitentiary at McAlester, Oklahoma, said prison to  
18 be designated by the court by which judgment is to be rendered.

19 B. 1. The judgment of execution shall take place under the  
20 authority of the Director of the Department of Corrections and the  
21 warden must be present along with other necessary prison and  
22 corrections officials to carry out the execution. The warden must  
23 invite the presence of a physician and the district attorney of the  
24 county in which the crime occurred or a designee, the judge who  
presided at the trial issuing the sentence of death, the chief of

1 police of the municipality in which the crime occurred, if  
2 applicable, and lead law enforcement officials of any state, county  
3 or local law enforcement agency who investigated the crime or  
4 testified in any court or clemency proceeding related to the crime,  
5 including but not limited to the sheriff of the county wherein the  
6 conviction was had, to witness the execution; in addition, the  
7 Cabinet Secretary of Safety and Security must be invited as well as  
8 any other personnel or correctional personnel deemed appropriate and  
9 approved by the Director.

10 2. The warden shall, at the request of the defendant, permit  
11 the presence of such ministers chosen by the defendant, not  
12 exceeding two, and any persons, relatives or friends, not to exceed  
13 five, as the defendant may name; provided, reporters from recognized  
14 members of the news media will be admitted upon proper  
15 identification, application and approval of the warden. The  
16 identity of all persons who participate in or administer the  
17 execution process ~~and persons who supply the drugs, medical supplies~~  
18 ~~or medical equipment~~ for the execution shall be confidential and  
19 shall not be subject to discovery in any civil or criminal  
20 proceedings. ~~The purchase of drugs, medical supplies or medical~~  
21 ~~equipment necessary to carry out the execution shall not be subject~~  
22 ~~to the provisions of The Oklahoma Central Purchasing Act.~~

23 C. 1. In the event the defendant has been sentenced to death  
24 in one or more criminal proceedings in this state, or has been

1 sentenced to death in this state and by one or more courts of  
2 competent jurisdiction in another state or pursuant to federal  
3 authority, or any combination thereof, and this state has priority  
4 to execute the defendant, the warden must invite the prosecuting  
5 attorney or his or her designee, the judge, and the chief law  
6 enforcement official from each jurisdiction where any death sentence  
7 has issued. The above mentioned officials shall be allowed to  
8 witness the execution or view the execution by closed circuit  
9 television as determined by the Director of the Department of  
10 Corrections.

11 2. In addition to the state officials specified in paragraph 1  
12 of this subsection, two members of the defendant's current legal  
13 counsel shall be allowed to witness the execution in person, in his  
14 or her role as the defendant's counsel, and shall be provided access  
15 to all areas and procedures leading up the execution. Defense  
16 counsel shall also be provided access to a method of communicating  
17 with other members of the defendant's legal team outside the prison  
18 in order to provide access to the courts in the event such need  
19 arises during the execution.

20 D. A place shall be provided at the Oklahoma State Penitentiary  
21 at McAlester so that individuals who are eighteen (18) years of age  
22 or older and who are members of the immediate family of any deceased  
23 victim of the defendant may witness the execution. The immediate  
24 family members shall be allowed to witness the execution from an

1 area that is separate from the area to which other nonfamily member  
2 witnesses are admitted; provided, however, if there are multiple  
3 deceased victims, the Department shall not be required to provide  
4 separate areas for each family of each deceased victim. If  
5 facilities are not capable or sufficient to provide all immediate  
6 family members with a direct view of the execution, the Department  
7 of Corrections may broadcast the execution by means of a closed  
8 circuit television system to an area in which other immediate family  
9 members may be located.

10 Immediate family members may request individuals not directly  
11 related to the deceased victim but who serve a close supporting role  
12 or professional role to the deceased victim or an immediate family  
13 member, including, but not limited to, a minister or licensed  
14 counselor. The warden in consultation with the Director shall  
15 approve or disapprove such requests. Provided further, the  
16 Department may set a limit on the number of witnesses or viewers  
17 within occupancy limits.

18 As used in this section, "members of the immediate family" means  
19 the spouse, a child by birth or adoption, a stepchild, a parent, a  
20 grandparent, a grandchild, a sibling of a deceased victim, or the  
21 spouse of any immediate family member specified in this subsection.

22 E. Any surviving victim of the defendant who is eighteen (18)  
23 years of age or older may view the execution by closed circuit  
24 television with the approval of both the Director of the Department

1 of Corrections and the warden. The Director and warden shall  
2 prioritize persons to view the execution, including immediate family  
3 members, surviving victims, and supporting persons, and may set a  
4 limit on the number of viewers within occupancy limits. Any  
5 surviving victim approved to view the execution of the defendant may  
6 have an accompanying support person as provided for members of the  
7 immediate family of a deceased victim. As used in this subsection,  
8 "surviving victim" means any person who suffered serious harm or  
9 injury due to the criminal acts of the defendant of which the  
10 defendant has been convicted in a court of competent jurisdiction.

11 SECTION 2. This act shall become effective November 1, 2016.

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